



MAYOR AND COUNCIL AGENDA

NO. 8

DEPT.: / Police

STAFF CONTACT: Victor Sajauskas

DATE PREPARED: 9/21/07

FOR MEETING OF: 9/24/07

SUBJECT: Introduction and Adoption of Ordinance to amend Chapter 5, Article XII, "Property Maintenance Code" by amending Section 5-287 so as to amend the provisions regarding vacant structures.

RECOMMENDATION: Staff recommends that this ordinance be introduced and adopted at the meeting of September 24, 2007. If the Mayor and Council wish to introduce the ordinance and proceed to adoption at the same meeting, the ordinance should first be introduced, then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four members of the Mayor and Council, you may then proceed to move to adopt the ordinance.

DISCUSSION: As we all know, boarded up vacant structures have a negative impact on the community. They can cause visual blight, may invite a criminal impact, make the neighborhood unsightly, and may lead to depressed property values.

Presently, within the existing ordinance, a vacant structure can stay unoccupied and boarded for an indefinite period of time. The only requirement currently under the property maintenance code is that the structure is secured (by eliminating opportunity for the public to enter the vacant building) and that the property meets acceptable general maintenance standards (free of trash, tall grass, and gutters in place, appropriate painting or siding in place, etc.).

By adopting this ordinance, it would place a time limit on how long a building can stay boarded. It would limit the time of boarding to ninety days. After the 90-day period, the building must have the appearance of being occupied with windows and doors in place.

Change in Law or Policy: Amends the City's Property Maintenance Code

Next Steps: None.

PREPARED BY: Victor Sajauskas, Supervisor of Community Enhancement/Code Enforcement

APPROVED BY: T. N. Treschuk
T. N. Treschuk, Chief of Police

DATE: 09.21.07

APPROVED BY: Scott Ullery
Scott Ullery, City Manager

DATE: 9/21/07

LIST OF ATTACHMENTS:

Proposed Ordinance

Ordinance No. _____

ORDINANCE: To amend Chapter 5, Article XII, "Property Maintenance Code" by amending Section 5-287 so as to amend the provisions regarding vacant structures

BE IT ORDAINED BY THE Mayor and Council of Rockville, Maryland that Chapter 5, Article XII "Property Maintenance Code" be amended by amending Section 5-287 so as to amend the provisions regarding vacant structures as follows:

ARTICLE XII. PROPERTY MAINTENANCE CODE

DIVISION 1. GENERALLY

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DIVISION 2. TECHNICAL STANDARDS

Sec. 5-286. BOCA National Property Maintenance Code – Adopted

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Sec. 5-287. Same – Amendments.

The BOCA National Property Maintenance Code, fifth Edition, 1996, is amended in the following respects:

* * *

Section PM-301.3 is amended by adding a new subsection PM-301.3.1 to read as follows:

"PM-301.3 Vacant Structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

"PM-301.3.1. Vacant structures; limits on boarding

All vacant residential and commercial structures shall at all times have all windows and doors secured and in place, including glass panes and locks, and shall not otherwise exhibit the appearance of being vacant or otherwise not occupied for its intended purpose. The property must at all times be maintained in compliance with the provisions of this Chapter and other applicable provisions of the Rockville City Code.

Exceptions: A structure may be secured by boarding the exterior of the structure for a period no longer than ninety (90) days. An owner, operator, agent or other person responsible for maintaining the structure in compliance with the Rockville City Code may apply to the Chief of Police for permission to extend the boarding of the structure. For good cause shown, the Chief of Police may permit boarding of the structure to be extended by up to, but not exceeding, an additional sixty (60) days. Nothing in this section shall prohibit the boarding of windows and doors from the interior of the structure where such boarding is not visible from the outside.

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NOTE: Underlining indicates language added
Asterisks * * * indicates language unchanged by this ordinance

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I hereby certify that the foregoing is a true and correct copy
of an Ordinance adopted by the Mayor and Council at its
meeting of

Claire F. Funkhouser, City Clerk